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HUMAN RESOURCES MANAGEMENT: RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

Report submitted by the Secretary-General on behalf of and with the approval of the members of the Administrative Committee on Coordination

INTRODUCTION

1. At its forty-seventh session, the General Assembly adopted resolution 47/28 of 25 November 1992, in which it took note with grave concern of the report submitted by the Secretary-General on behalf of the members of the Administrative Committee on Coordination (ACC) on the above subject (A/C.5/47/14). In that resolution, the General Assembly strongly deplored the unprecedented and still increasing number of fatalities that had occurred among United Nations personnel, including those engaged in peace-keeping operations, and also strongly affirmed that disregard for the privileges and immunities of officials had always constituted one of the main obstacles to the implementation of the missions and programmes assigned to the organizations of the United Nations system by Member States. The Assembly reminded host countries of their responsibility for the safety of peace-keeping and all United Nations personnel on their territory. The Assembly also requested the Secretary-General to take all necessary measures to ensure the safety of United Nations personnel, as well as those engaged in peace-keeping and humanitarian operations, and to continue to submit, on behalf of ACC, reports concerning respect for the privileges and immunities of officials of the United Nations and specialized agencies and related organizations.

2. In the light of concern regarding the developments referred to in the Secretary-General's report, the General Assembly decided at its forty-seventh session that, despite its previous resolution providing that personnel questions should be considered on a biennial basis (resolution 46/220 of 20 December 1991), the Secretary-General should be requested to submit to the

General Assembly at its forty-eighth session updated information on the situation of United Nations staff members, with special regard to violations of privileges and immunities, taking into account its resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992 (see decision 47/457 C of 8 April 1993).

3. At its forty-eighth session, following consideration of the note submitted by the Secretary-General on behalf of and with the approval of the members of ACC (A/C.5/48/5), the General Assembly, in its decision 48/462 of 23 December 1993, took note of the note of the Secretary-General and of the statement made by the representative of the United Nations Security Coordinator on 8 November 1993. 1/

4. The present report, containing updated information about respect for the privileges and immunities of officials as well as their security and safety, is submitted in response to resolution 47/28 of the General Assembly. It is presented on behalf of and with the approval of the members of ACC and is based upon the information provided by United Nations programmes, funds, and offices of missions as well as the specialized agencies and related organizations. A list of the organs and organizations that were requested to provide information is contained in annex IV to the present report. The report covers the period from 1 July 1993 to 30 June 1994.

I. SECURITY AND SAFETY OF OFFICIALS

5. Developments in the last year have clearly demonstrated that international civil servants continue to be exposed to a degree of risk that would have been unacceptable in the past. In fulfilment of the responsibilities assigned to them by the organizations concerned, staff have been called upon to work in environments characterized by utter lawlessness and random violence. Staff members are regularly exposed to violence and intimidation to a degree which undermine efforts to guarantee even minimum security. Throughout the reporting period staff members have been attacked and at times killed, injured, kidnapped, abused and harassed. Details regarding some of these incidents may be found in information provided by various organizations which is included in annex III below.

6. Of particular concern is the fact that during the reporting period and through the preparation of this report, 18 staff members (both international and national) belonging to different organizations lost their lives. Two of these cases had previously been reported to the General Assembly (A/C.5/48/5). Details of the remaining 16 cases are outlined in annex II. It is expected that the final toll for 1994 will be higher once staff members in Rwanda have been accounted for. Of particular concern is that of the 42 staff members who have been shot to death since 1 January 1992, not a single case has been resolved and no one has been arrested or brought to justice in respect of these fatalities. In this connection, it is extremely important that any initiatives on the part of Member States, such as the elaboration of a convention dealing with the safety and security of United Nations associated personnel apply to all staff members serving with the organizations of the United Nations system.

7. Efforts have been made to improve staff security. Regrettably, the insufficient resources and equipment have meant that many staff operating in the field have assumed grave personal risks on a daily basis. In an effort to address many of the serious issues regarding security of United Nations staff, the United Nations Security Coordinator convened an ad hoc inter-agency meeting on security matters in New York from 16 to 19 May 1994 (ACC/1994/19). The meeting was devoted to the examination of security matters which are of concern to the organizations of the United Nations system, in particular their administrative aspects and, inter alia, considered the need for standardized communications systems at each duty station, the need for pre-assignment briefing as well as appropriate security training and the need to develop on a system-wide basis a strategy for dealing with critical incident stress management in order better to respond to the needs of staff members and dependants who had experienced traumatic events in the course of their service with the United Nations.

8. It must be stressed that the primary responsibility for the security and protection of staff members, their spouse and dependants and property and of the organizations' property rests with the host Government. This responsibility flows from every Government's normal and inherent function of maintaining order and protecting persons and property within its jurisdiction. In the case of international organizations and their officials and property, the Government is considered to have a special responsibility under the Charter of the United Nations or the Government's agreements with individual organizations. Under Article 105 of its Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. The other organizations in the United Nations family and their staff enjoy similar privileges and immunities under their respective constitutional instruments. Officials of the organizations are entitled under the same provisions to enjoy such privileges and immunities as are necessary for the independent exercise of their functions. Further, within the territory of any country which has acceded to the Conventions on the Privileges and Immunities of the United Nations 2/ and of the Specialized Agencies, 3/ staff members of the organizations "shall be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys". 4/ The Conventions further stipulate that the premises of the organizations are "inviolable" and that their property, wherever located and by whomsoever held, is immune from "any form of interference". 5/

II. ARREST AND DETENTION OF OFFICIALS

9. With the exception of the cases indicated in annex I, as of 30 June 1994 there were no pending cases of arrest and detention in which the privileges and immunities of staff members had been violated. Detailed information regarding the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as provided by UNRWA, is included in annex III.

III. TAXATION OF OFFICIALS

10. Detailed information about problems related to taxation of officials experienced by the International Telecommunication Union (ITU) and other Geneva-based organizations is provided in annex III to the present report.

IV. RESTRICTIONS ON OFFICIAL AND PRIVATE TRAVEL OF OFFICIALS OF THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

11. The Secretary-General is pleased to report that, during the reporting period, there has been a new positive development with respect to the issue of removal of restrictions imposed by the authorities of the United States of America as host country on private travel of staff members who are nationals of particular countries.

12. On 10 January 1994, the United States Mission informed the Secretariat by a note verbale that Romanian employees of the United Nations and their dependants would enjoy unrestricted travel within the United States.

13. In his reply to the aforementioned note, the Secretary-General welcomed this decision taken by the host country. However, in view of the fact that travel restrictions continue to be in force with respect to staff members of certain other nationalities, the Secretary-General reiterated his well-known position of principle concerning the restrictive and discriminatory treatment of United Nations staff solely on the basis of nationality.

14. Information concerning travel restrictions on UNRWA personnel is provided in annex III to the present report.

V. OBSERVATIONS

15. The Secretary-General firmly believes that the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies constitute a critical element in the protection of staff members and their dependants from arrest and detention. Therefore, the Secretary-General invites States that have not become a party to the Convention to give consideration to ratifying or acceding to the Conventions.

16. Another measure which would be extremely critical to the safety and security of staff would be the elaboration of a new Convention as is presently being discussed by the Sixth Committee and which should apply to all United Nations personnel, irrespective of the mandate under which they are operating.

17. Efforts continue to achieve the degree of integration and accountability necessary to ensure an effective approach to security. Many issues related to improving security management were discussed during the ad hoc inter-agency security meeting referred to in paragraph 7 above. Details are included in the report entitled "Comprehensive report regarding inter-agency coordination" which is being submitted to the General Assembly at its forty-ninth session at the

request of the Advisory Committee on Administrative and Budgetary Questions. In this connection it should be noted that it is unrealistic to expect that the required security measures which are essential for the proper discharge of the Organization's responsibility for the safety of its personnel can be met from existing resources. I trust that Member States will provide me with the means to do what is necessary in this regard.

Notes

1/ See Official Records of the General Assembly, Forty-eighth Session, Fifth Committee, 13th meeting, and corrigendum.

2/ Resolution 22 A (I).

3/ Resolution 179 (II).

4/ Resolution 22 A (I), article V, section 18 (f) and resolution 179 (II), article VI, section 19 (e).

5/ Resolution 22 A (I), article II, section 3 and resolution 179 (II), article III, section 5.

Annex I

CONSOLIDATED LIST a/ OF STAFF MEMBERS UNDER ARREST AND DETENTION OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS HAVE BEEN UNABLE TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

Name	Agency	Place and date of incident
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Mr. Izzedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mr. Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detailed by militias or unknown elements.
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Daulat Mir	FAO	Detained on 28 August 1984 and subsequently conscripted into military service in Afghanistan.
Mr. Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan.
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988.
Mr. Mohammed Omar	FAO	Detained and conscripted on 17 May 1989 into military service in Afghanistan.
Mr. Abdul Fattah	WFP	Abducted in Pakistan by unknown elements on 3 September 1989.

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Name	Agency	Place and date of incident
Mr. Ahmad Mohamed Ali	WFP	Detained in Somalia by the Somali National Security Service since 25 May 1990.
Mr. Abdalla Ismail Abu Shawareb	"	Detained in the Gaza Strip since 6 November 1990.
Mr. Ghassan Musaed El Arabid	"	Detained in the Gaza Strip since 11 August 1991.
Mr. Kassu Asgedon	"	Detained in Ethiopia since 4 September 1991.
Mr. Mohammad Rajab El-Sa'afin	UNRWA	Detained in the Gaza Strip since 20 July 1992.
Mr. A/Fattah Ismail Fayyad	"	Detained in the Gaza Strip since 22 September 1992.
Mr. Mohammed Najib Madi	"	Detained in the Gaza Strip since 15 October 1992.
Mr. Amin Ali el Khatib	"	Detained in the Gaza Strip since 22 November 1992.
Mr. Hasam Hassan Abu Jray	"	Detained in the Gaza Strip since 14 February 1993.
Mr. Hasan Mohammad Hammad	"	Detained in the West Bank since 15 February 1993.
Mr. Maher Salim El Toukhi	"	Detained in the Gaza Strip since 18 February 1993.
Mr. Suliman A/Hadi Abu Rous	"	Detained in the Gaza Strip since 14 March 1993.
Mr. Sami Abdalla Abu Hmaiseh	"	Detained in the Gaza Strip since 11 April 1993.
Mr. Yousef Dawoud Shahin	"	Detained in the Gaza Strip since 2 May 1993.
Mr. Ahmad Hasan Abu Houli	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Jaber Ali Wahdan	"	Detained in the Gaza Strip since 3 May 1993.

Name	Agency	Place and date of incident
Mr. Abdel Hakim A/Rabbu Abu Houli	UNRWA	Detained in the Gaza Strip since 6 May 1993.
Mr. Suliman Ibrahim Jouda	"	Detained in the Gaza Strip since 20 May 1993.
Mr. Mahmoud Arafat El Khawaja	"	Detained in the Gaza Strip since 14 June 1993.
Mr. Mahmoud Ghanem	"	Detained in the Gaza Strip since 25 June 1993.
Mr. Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.
Mr. Jamal Atiya Tayeh	UNRWA	Detained in the Gaza Strip since 28 June 1993.
Mr. Walid Yusuf El Zatma	"	Detained in the Gaza Strip since 9 August 1993.
Mr. Ahmad Said Ahmad Lubbad	"	Detained in the Gaza Strip since 19 August 1993.
Ms. Sara J'areh	"	Detained in the West Bank since 24 September 1993.
Mr. Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Mr. Mani Ali El-Kurd	"	Detained in the West Bank since 25 October 1993.
Mr. Walid Jaber	"	Detained in the Gaza Strip since 5 January 1994.
Mr. Ahmad Tawfiq Abu Hassanain	"	Detained in the Gaza Strip since 5 January 1994.
Mr. Mohammad Abbas Hassouna	"	Detained in the Gaza Strip since 10 January 1994.
Mr. Ahmad Abdel Rahman Sweilem	"	Detained in the West Bank since 11 January 1994.
Mr. Zuhair Ahmad El Qaisi	"	Detained in the Gaza Strip since 17 January 1994.
Mr. Kamal El Ghoul	"	Detained in the Gaza Strip since 17 February 1994.

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Name	Agency	Place and date of incident
Mr. Kaled Mahmound Zagout	UNRWA	Detained in the West Bank since 9 March 1994.
Mr. Ayoub A/Aziz Khadoura	"	Detained in the Gaza Strip since 24 March 1994.
Mr. Khader Mahmoud Abbas	"	Detained in the Gaza Strip since 9 April 1994.
Mr. Naser Yusuf Matar	"	Detained in the West Bank since 13 April 1994.
Mr. Bassam Nihad Jarrar	"	Detained in the West Bank since 18 April 1994.
Mr. Nabil El Sawalhi	"	Detained in the Gaza Strip since 19 April 1994.
Mr. Mustafa Rashid Nakhleh	"	Detained in the West Bank since 19 April 1994.
Mr. Ghazi Mohammad Haj Asad	"	Detained in the West Bank since 21 April 1994.

Notes

a/ The consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 30 June 1994. The list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past or on the cases where staff members have lost their lives in the performance of official duties.

Annex II

LIST OF STAFF MEMBERS WHO HAVE LOST THEIR LIVES SINCE 1 JULY 1993

	Name	Nationality	Agency	Place/ date of incident	Cause of death
1.	ZERAZIC, Boris	Bosnia	UNHCR	Vitez, Bosnia 15/8/93	Gunshot wounds
2.	REITZEL-NIELSEN, Michael	Denmark	UNCHS	Nairobi, Kenya 13/9/93	Gunshot wounds
3.	FARHAD, Fayyad	Palestine	UNRWA	Saida, Lebanon 21/7/93	Gunshot wounds
4.	WANDAYO, John	Uganda	UNICEF	Kitgum, Uganda 20/10/93	Gunshot wounds
5.	AL SAFTAWI, Assad	Palestine	UNRWA	Gaza, Gaza Strip 21/10/93	Gunshot wounds
6.	LINCOLN, Kai	United States of America	UNOSOM	Mogadishu, Somalia 13/11/93	Gunshot wounds
7.	SHABAYTA, Muin	Palestine	UNRWA	Saida, Lebanon 28/4/94	Gunshot wounds
8.	SANNEH, Alj Haji	Gambia	UNHCR	Afmadou, Somalia 18/4/94	Gunshot wounds
9.	NGENDA-KUMANA, Therence	Burundi	WFP	Bujumbura, Burundi 1/5/94	Gunshot wounds
10.	ABU IBTIHAN, Ahmad	Palestine	UNRWA	Gaza, Gaza Strip 28/4/94	Gunshot wounds

	Name	Nationality	Agency	Place/ date of incident	Cause of death
11.	BILE, Abdullah	Somalia	WFP	Mogadishu, Somalia 13/6/94	Gunshot wounds
12.	SISAY, Mohamed	Ethiopia	WFP	Gulu, Uganda 23/6/94	Gunshot wounds
13.	AREGAY, Kassahun	Ethiopia	WFP	Gulu, Uganda 23/6/94	Gunshot wounds
14.	MEKONNEN, Gabriel	Ethiopia	WFP	Gulu, Uganda 23/6/94	Gunshot wounds
15.	SINDIKU-BWABO, Damascene	Rwanda	ECA	Gisenji, Burundi 8/6/94	Gunshot wounds
16.	HERRERA LOPEZ, Jose	France/ Nicaragua	UNHCR	Kirundu, Burundi 13/8/94	Gunshot wounds
17.	MURENZI, Jules	Rwanda	WFP	Gikongoro, Rwanda 30/8/94	Gunshot wounds
18.	LABIB, Labib Ibrahim	Egypt	UNICEF	Qena, Egypt 17/9/94	Gunshot wounds

Annex III

INFORMATION SUBMITTED BY INDIVIDUAL ORGANIZATIONS AND UNITED NATIONS SUBSIDIARY ORGANS AND OFFICES OR JOINT SUBSIDIARY ORGANS FOR INCLUSION IN THE PRESENT REPORT

A. Economic Commission for Africa

Mr. Andualem Zeleke (Ethiopia) a locally recruited staff member of ECA, has been detained since 25 June 1993. The Ministry of Foreign Affairs of the transitional Government of Ethiopia advised that his case will be taken up together with others who allegedly have been involved in the Red Terror of the previous regime.

Mr. Nadew Kassa, dependent son of Mr. Tsegaye Kassa (Ethiopia), a locally recruited staff member of ECA, has been detained since early February 1994. No reply as to the reasons for his arrest has been provided by the Government authorities.

Mr. Damascene Sindikubwabo (Rwanda), a locally recruited staff member of the ECA regional office in Gisenyi, was killed on 8 June 1994 on the office premises. According to reports the ECA regional office in Gisenyi was occupied, apparently by Government forces, and the premises sustained some damage.

At the beginning of September 1993 armed Government troops intruded upon the ECA compound on two occasions. The incidents were reported to the authorities.

The rented apartment in Addis Ababa of an ECA staff member on mission in New York was illegally occupied for more than one year. Eventually the Government authorities investigated the case and the staff member was able to recover some of her belongings.

B. United Nations Relief and Works Agency for Palestine Refugees in the Near East

1. During the period under review, there was a significant reduction, in comparison with the preceding year, in the number of staff members in the West Bank and Gaza Strip who were arrested, held in detention without trial and subsequently released; however, eight staff members in the West Bank remained in detention at the end of the reporting period, in comparison with only three at the end of the preceding year, though in the Gaza Strip this number dropped from 23 to 10. The number of staff arrested and detained in the Syrian Arab Republic was three, in Jordan one and in Lebanon one. The total number of staff so detained during the reporting period was 51, of whom 28 were arrested and released without charge or trial, and 5 were charged, tried and sentenced. The remaining 18, all staff members in the West Bank and Gaza Strip as described above, were still in detention on 30 June 1994.

2. Of the 16 staff members reported in last year's report as having been deported to Lebanon, all had returned with the permission of the Israeli authorities by December 1993; four were thereupon placed in detention, although by the end of the reporting period all but one of these had been released. Subsequent to the Agreement on the Gaza Strip and the Jericho area, signed at Cairo on 4 May 1994, a number of Palestinians, including four staff members, were transferred from prisons in the Gaza Strip to detention centres and prisons in Israel.

3. Although the Agency made frequent approaches to the relevant authorities during the reporting period, UNRWA was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. UNRWA had access to 3 staff members from the West Bank and 20 from the Gaza Strip detained in prisons and detention centres in the West Bank, the Gaza Strip and Israel. The treatment of staff members in detention continued to be a matter of considerable concern to the Agency, with staff members both in detention and upon their release complaining of having been subjected to various forms of physical and psychological mistreatment. Despite continued approaches by the Agency to the relevant Governments, the Agency was unable to visit staff detained in Jordan, Lebanon and the Syrian Arab Republic.

4. Difficulties continued in relation to the movement of staff members into and out of the West Bank and Gaza Strip. As reported in previous years, there were lengthy delays by the Israeli authorities in the clearance of official travel for locally recruited staff. The particular restrictions on movement from the West Bank and Gaza Strip to Israel and East Jerusalem, as described in the 1993 report (A/C.5/48/5), continued during the reporting period, with the Israeli authorities insisting on the establishment of a system of exit permits, which delayed and in some cases prevented staff members from entering East Jerusalem and Israel from the West Bank and the Gaza Strip; tighter restrictions were imposed with the closure of the West Bank and the Gaza Strip following the massacre at the al-Ibrahimi mosque in the town of Hebron on 25 February 1994, which aggravated the situation in this particular respect. Difficulties were experienced by the Agency in the Gaza Strip in securing exit permits for its drivers, though by the end of the reporting period this had ceased to be a particular problem. In relation to movement within the West Bank and the Gaza Strip, the imposition of curfews constituted a further impediment to the movement of staff, with the Israeli authorities continuing to insist that locally recruited staff members could operate only if in possession of curfew permits; in the Gaza Strip, procedures to obtain and renew curfew permits were subjected to lengthy delays by the Israeli authorities, though following the entry into the effect of the provisions of the Cairo Agreement a/ towards the end of the reporting period, curfew passes needed no longer to be obtained from the Israeli authorities. The arbitrary declaration of closed military areas by the Israeli authorities continued to constitute difficulties to the official movement of staff members, both international and locally recruited.

5. For the greater part of the year under review, UNRWA staff in the West Bank and the Gaza Strip performed their duties in the context of ongoing violence and the Agency continued to be concerned about the safety of staff, both locally recruited and international. Staff members faced various forms of mistreatment by members of the Israeli security forces, including injury by live and other

forms of ammunition, beatings and threatening and abusive behaviour. At times they also faced threats and attacks by Israeli settlers in the occupied territory and by certain elements in the Palestinian population. Such incidents of mistreatment were protested by the Agency to the appropriate authorities, and appropriate follow-up action was undertaken by the Agency.

6. During the reporting period two staff members were killed in Lebanon, both by persons whose identity remained unknown; on 21 July 1993 an UNRWA teacher was shot dead in the presence of his family near Saida and on 15 November 1993 an UNRWA head teacher was shot dead as he was leaving his school near Saida. In addition, on 21 October 1993 an UNRWA teacher was shot dead in the town of Gaza by persons unknown.

7. On 28 March 1994 a staff member was shot dead in the Gaza Strip by the Israeli security forces in the context of a confrontation with Palestinian armed elements.

C. The Office of the United Nations High Commissioner for Refugees

UNHCR has experienced the following incidents during the period 1 July 1993 through 30 June 1994.

1. Deaths

Burundi

13/8/94. A UNHCR international staff member was shot dead in Kirundo, northern Burundi. It is believed that he was caught in gunfire aimed at a local official.

Former Yugoslavia

2/2/93. One UNHCR local staff member was killed by shell fire near Mostar during attack on a relief convoy.

14/8/93. A local UNHCR staff member was shot dead in Vitez by sniper firing a high tensile bullet, which pierced the armoured vehicle in which the staff member was driving.

Somalia

18/4/94. A UNHCR international staff member was fatally shot through the head when an unknown gunman opened fire on the UNHCR aircraft on which he was a passenger while it was taxiing at Afmadu airport.

2. Injuries

Former Yugoslavia

17/11/93. A UNHCR local staff member was shot in the shoulder by an unknown assailant while travelling in a UNHCR vehicle in Kakanj in Bosnia and Herzegovina.

Liberia

23/9/93. Vahun - a refugee camp and a UNHCR camp were attacked/bombed reportedly by two aircraft under the command of the Economic Commission of African States Military Observer Group (ECOMOG).

3. Detention/Arrests

Former Yugoslavia

Banja Luka

15/12/93. Four UNHCR staff were arrested when they went to investigate two explosions at local Mosque; after questioning, they were released.

Dobron

26/7/94. An international and a local staff member were detained by the Bosnian Serbs at Dobron and taken to Visegrad. The Serbs wanted to use the UNHCR staff to bargain for the release of a Serbian family held in Gorazde.

Kasindolska

30/5/94. A UNHCR local staff member, United Nations staff and two journalists were detained at the check-point Kasindolska by the Serb police and taken to Ilidza to be interrogated by the police.

Kiseljak

3/9/93. The newly arrived head of UNHCR office together with another international staff and two local staff were stopped by armed soldiers just outside Kiseljak. They were ordered to leave their vehicle and made to lie down on the side of the road. They were then blindfolded and ankles and wrists bound behind their backs. The hijackers left when a British Patrol happened to pass by.

17/2/94. A UNHCR local staff member was detained in Kiseljak by police.

4. Convoy/Vehicle/Home/Office serious assault and/or robbery against staff members

Former Yugoslavia

25/11/93. Kiseljak - a local staff member was assaulted and beaten and the vehicle stolen.

Liberia

7/9/93. Monrovia - a UNHCR convoy was held at a check-point by United Liberation Movement of Liberia for Democracy (ULIMO) troops who insisted on searching vehicles. The matter was eventually resolved after some hours by intervention of Government authorities.

Rwanda

12/2/94. Kigali - two UNHCR staff were stopped at improvised (boulders, rocks, etc.) check-point by 10 to 12 heavily armed men. Robbed of all valuables, radio made unusable by cutting wire. Vehicle was eventually returned.

Somalia

Hargeisa

7/9/93. A UNHCR staff member was ambushed by armed men and robbed.

9/10/93. Two UNHCR international staff members and local staff were stopped while travelling between the airport and the town and were subjected to an armed attack by unidentified assailants.

5. Hostage-taking

Somalia

Hargeisa

2/12/93. An international staff member was taken hostage by local bandits who demanded payment for his release. He was eventually released following intervention of local authorities.

6. Hijacking

Cambodia

7/12/93. Vehicle hijacked while four staff members were travelling in the Siem Reap district. Staff assaulted and robbed.

Ethiopia

29/3/94. UNHCR vehicle hijacked while travelling. Eventually recovered by authorities, but radio stolen.

Former Yugoslavia

Prozor

4/11/93. Vehicle hijacked during travel - unknown assailants.

Mozambique

4/7/93. Staff member wounded during hijacking incident in small chartered aircraft flying from Maputo to Swaziland.

D. United Nations Environment Programme

In the review period there were no arrests or detention of officials of the United Nations or specialized agencies by the Government of Kenya. However, many United Nations officials were the victims of a rising tide of criminal violence in the country. The most serious of these was the murder of a senior official in the course of a vehicle hijacking (12 September 1993), a bandit attack on a UNICEF compound in north-east Kenya which resulted in the death of a pilot attached to UNICEF, the wounding of a UNICEF official (3 September 1993) and finally the serious wounding of an official of the United Nations Centre for Human Settlements, again in the course of an armed hijacking in Nairobi (8 May 1994). In addition to these very serious crimes there have been numerous other crimes directed at United Nations staff, including 15 vehicle hijackings.

E. International Telecommunication Union (ITU)

Fiscal status of ITU officials living in France

Since September 1993, a considerable number of ITU officials (of all nationalities) living in France have, like many of their colleagues working in other specialized agencies in Geneva, received requests from their local tax offices to declare the salaries and emoluments paid by the Union for the years 1990, 1991 and 1992; and even, in some cases, claims for tax arrears, the aim being to make them subject to French income tax.

To justify this sudden change of attitude, which is a departure from the practice of tax exemption consistently followed by France for nearly 40 years, the French tax authorities cited the fact that France had not ratified the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.

Since exemption of ITU and all its staff is one of the essential conditions for the Organization's status, its proper operation and its necessary independence, which implies the independence of its staff, a joint letter was sent on 24 September 1993 by all the executive heads of organizations in the

same situation as ITU to Mr. Alain Juppé, Minister for Foreign Affairs of France in an attempt to put an immediate stop to this sudden development. In addition, the Secretary-General of the United Nations, in his capacity as Chairman of the Administrative Committee on Coordination (ACC), himself wrote to the Minister in October 1993 indicating the importance he attached to the matter and expressing his concern.

Following further approaches to the French Government by the Directors-General and Secretaries-General of the organizations concerned, the Government finally decided, in December 1993, to suspend for six months (until June 1994) the action taken by the tax authorities with respect to the officials and to initiate further consultations very quickly with the heads of the specialized agencies in Geneva.

Although this suspension was applied with some delay and with some inconsistency between different tax offices, the organizations, particularly ITU, welcomed it with satisfaction in the hope that it represented a necessary preliminary to a final settlement of the problem.

As far as the substance of the matter is concerned, the Secretary-General of ITU and his counterparts also welcomed the intention expressed by Mr. Juppé to take advantage of the delay in order to hold thorough consultations with the organizations with a view to arriving at a lasting solution and immediately informed him that they were very ready to join him in this undertaking. As at 1 July 1994, however, the French Government has still not followed up its intention, with the result that the proposed consultations have not started.

This prolonged silence finally led the Director-General of the International Labour Office, on behalf of all the executive heads of the organizations concerned, on 6 April 1994, to request the French Government to extend by six months, until 15 December 1994, the suspension it had granted. The Secretary-General of the Union, for his part, placed the matter before ACC, which met at ITU headquarters on 11 and 12 April 1994. At that meeting Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations, undertook, on behalf of ACC, to go into the matter with the French authorities in order to find a lasting solution to this awkward problem which would be acceptable to all parties.

The Secretary-General of the Union also informed the Council of ITU of the matter at its last session (2-17 May 1994) in a document entitled "Fiscal status of ITU officials living in France".

In reply to this document, the French Councillor informed the members of the Council that the Government had extended by three months, until 20 September 1994, the suspension of all action taken to claim tax arrears so that it could find a satisfactory response to the problem, in consultation with all the organizations concerned. After taking note of this encouraging statement, the Council of ITU decided:

(a) Firstly, to urge the French Government to extend the suspension decision for six months, at least until 15 December 1994, and to reconsider its position and to initiate, as soon as possible, thorough consultations with the

executive heads of the organizations concerned or their representatives, in order to find a lasting solution to this difficult problem which is acceptable to all parties and which in its effects is consistent with the constant practice prevailing in France until 1993;

(b) Secondly, to authorize the Secretary-General to pursue his efforts, in conjunction with the executive heads of the other organizations concerned, with a view to arriving at such a solution as quickly as possible and to submit a report to the Plenipotentiary Conference in Kyoto, Japan, on developments since the 1994 session of the Council.

On 13 May 1994, in a letter addressed to the Director-General of the International Labour Office (ILO), the Permanent Mission of France in Geneva confirmed the information given to ITU by the French Councillor on 11 May.

While welcoming the additional suspension period, the Director-General of ILO, in his reply dated 24 May on behalf of all the executive heads of the organizations concerned, emphasized the need for the thorough consultations with the organizations promised by the Minister for Foreign Affairs in his letter to the Secretary-General of ITU dated 21 December 1993 to begin soon enough to allow ample time to cover both the kind of solution to be adopted and the means of putting it into practice. The Director-General of ILO informed the Secretary-General of the United Nations about this exchange of letters and asked him to support the position of the organizations concerned, just as he had agreed to do, at the request of the Secretary-General of ITU, at the most recent meeting of ACC, held at ITU headquarters in April.

For his part, the Secretary-General of ITU sent a letter on 9 June to the Permanent Representative of France to the United Nations Office at Geneva and the Switzerland-based specialized agencies, in which he asked him, in particular, to approach the competent authorities with the request that the suspension period be extended until at least 15 December 1994, in accordance with the decision taken by the ITU Council, if a solution acceptable to all the interested parties could not be found before the beginning of the forthcoming Plenipotentiary Conference of the Union, to be held in Kyoto from 19 September to 14 October 1994. He also drew his attention to a new development, namely the signing by France, on 15 April 1994, of the Agreement establishing the World Trade Organization (WTO), article VIII of which provides that the privileges and immunities stipulated in the Convention on the Privileges and Immunities of the Specialized Agencies, b/ approved by the General Assembly of the United Nations on 21 November 1947, apply, by analogy, to WTO officials. The Secretary-General of ITU hopes that the signing of this Agreement is an indication that France may soon ratify the 1947 Convention, thus putting an end to the distressing problem facing all officials of Geneva-based specialized agencies living in France.

As matters stand, the Secretary-General of ITU remains convinced, however, whatever solution is finally agreed to by the various parties concerned, that it will be in conformity with the obligations by which France is bound as a member of the various organizations concerned and with the practice it has consistently followed for over 30 years.

F. United Nations Industrial Development Organization

During the night of 14 September 1993 while driving a car from Vinkovci to Zagreb to meet with another expert, a UNIDO staff member was detained at a Serbian check-point in the region of Okucani. Although he was in possession of a laissez-passer, the staff member was led away and questioned for three hours. He was obliged to stay the night in his car, under guard. The following day he was questioned further and kept under watch by guards. Efforts by United Nations Civilian Police to secure his release were initially unsuccessful, and the staff member was obliged to spend a further night in his car under guard.

On 16 September 1993 the United Nations Civilian Police returned to the Serbian check-point with appropriate documentation and the staff member was released accordingly.

A UNIDO Associate Expert, Mr. Michael Baran, along with his wife, disappeared while in the immediate vicinity of the Preah Vihear temple on the border between Thailand and Cambodia on 23 May 1994. They have not been seen since. Despite extensive efforts to locate Mr. and Mrs. Baran it has not been possible to determine their whereabouts.

G. United Nations/FAO/World Food Programme

Afghanistan

(a) August 1993

A WFP storekeeper under a local Special Service Agreement contract was arrested by customs officers in Termez allegedly for smuggling 26,700,000 roubles which belonged to WFP. No visits to Mr. Arif Kobi were allowed and WFP remains without news about the staff member.

(b) January 1994

An outbreak of fighting in Kabul trapped four United Nations staff members, including a WFP officer in a bunker. They were later evacuated by convoy during a cease-fire negotiated by the United Nations. WFP offices were looted and ransacked.

(c) March 1994

(i) Owing to prevailing security situation all WFP staff in Mazar had to be evacuated to Termez.

(ii) The WFP building in Kabul again sustained rocket damage which destroyed the western side of the building.

Angola

During the period under review WFP food aid convoys, WFP bases and aircraft have come repeatedly under attack.

(a) 26 August 1993: Catenque

A WFP convoy of 75 trucks transporting 1,960 tons of food aid was attacked by unknown elements. As a result, three drivers died and one was injured. These drivers were employees of a commercial transport company.

(b) 26 December 1993: Luanda

WFP warehouses in Luanda/Mulamba were attacked by a group of individuals wearing army uniforms. This resulted in a half-hour pitched battle with WFP guards who repulsed the attack without loss of life or injury.

(c) 7 and 14 September, 8 October and 24 November 1993: Luanda

Hold-up at gunpoint and theft of WFP vehicles.

(d) 23 January 1994

Heavy shelling between the National Union for the Total Independence of Angola (UNITA) and the Peoples Movement for the Liberation of Angola (MPLA) in Malange around the WFP compound.

(e) 27 January 1994

Heavy shelling of Luena.

(f) 10 February 1994: Kuite/Huambo

Heavy fighting in Kuite and repeated bombing of Huambo necessitated the evacuation of United Nations Agency personnel from those cities. This was done successfully, but caused serious injury to two WFP labourers.

(g) 16 February 1994: Malange

A WFP chartered aircraft was hit by mortar shells causing structural damage to the aeroplane.

(h) 11 March 1994: Menogue

Heavy shelling between armed adversaries requiring evacuation of all international staff including WFP.

(i) 13 March 1994: Muchala/Dondo incident (attack on food convoy)

Besides the loss of trucks and food, a total of six people died, two were missing and six injured (all staff of subcontractors and army personnel). In addition an undetermined number of civilians were killed and wounded as well.

(j) 16 March 1994: Malange

Artillery fire on the town and close to the WFP base with only material damage.

(k) 15 April 1994

The WFP deputy base manager in Malange was arrested and jailed by local police on an accusation of being an accomplice in drug transport. Following intervention of the WFP Country Director, the staff member was released from jail and placed under house arrest pending investigation.

(l) 20 April 1994: Lobito

One of the WFP airport stevedores was shot on his way back home by bandits. He was treated in Lobito hospital and reportedly his life is no longer in danger.

(m) 21 April 1994: Malange

UNITA soldiers attacked Bairro Kizanga in an effort to haul off WFP food, but the attack was repelled by armed civilians.

(n) 20 April 1994: Luanda

A WFP car with driver and guard was hijacked by two armed men in Luanda city. The WFP guard fired at the robbers, killing one and injuring the other.

(o) 15 June 1994

Five United Nations staff members (including 2 WFP) and 58 non-governmental organization (NGO) staff (including 30 of the International Committee of the Red Cross (ICRC)) were held hostage by UNITA forces in Huambo and not authorized to leave. Negotiations resulted in their release on 18 June 1994.

Burundi

On 1 May 1994, a WFP national staff member was killed in an accident linked to ethnic strife.

Cambodia

On 11 August 1993 the house guard of a WFP staff member was stabbed to death by a burglar. Police investigations did not result in an arrest/detention.

Kenya

On 27 March 1994 a WFP staff member and his wife were ambushed on the main highway between Nakuru and Naivasha by four young men with knives, pangas and crow bars. Both were severely beaten, resulting in broken arms, deep cuts,

bruises and severe shock. They were saved by villagers who ran to their rescue. Police are investigating the incident.

Mozambique

(a) Attack on a United Nations Volunteer in Maputo on 14 March 1994

A United Nations Volunteer was shot and seriously wounded by armed bandits who escaped with the staff member's vehicle. The staff member had to be evacuated urgently to South Africa for medical intervention. He is fortunately recovering well from his ordeal.

(b) Incident at Macala on 5 April 1994

On 5 April 1994 a crowd gathered around the WFP warehouses in Macala, storming the walls and looting the food commodities. Calm returned after the armed intervention of the police force.

Rwanda

Following civil unrest during April 1994 two WFP national staff were reportedly killed. More national staff are still unaccounted for.

Somalia

In addition to the permanent insecurity prevailing in Somalia during the period under review, with a list of innumerable threats and attacks on WFP staff, the following incidents stood out:

(a) 1 January 1994: Baidoa

One guard was killed and the driver seriously injured (paralysed) when bandits took the WFP vehicle in front of the WFP office in Baidoa.

(b) 10 January 1994: Mogadishu

A WFP staff member was kidnapped by an armed group in front of the WFP office in Mogadishu. After intensive negotiations with the kidnappers he was released unharmed a few days later.

(c) 24 February 1994: Mogadishu

Violent demonstrators laid siege to the WFP compound on 21, 22 and 26 February 1994, claiming food distributions. United Nations troops had to be deployed around the compound to protect WFP staff.

(d) 13 June 1994: Mogadishu

A WFP Senior Secretary was killed in an ambush on his way back home from the office by unidentified gunmen.

Sudan

(a) 4 December 1993: incident in the Solat Corridor (southern Sudan)

In the course of delivering food supplied from a river barge in Malual (southern Sudan), an Operation Lifeline Sudan (OLS) team of WFP was threatened with firearms from an agitated crowd, but happily reason prevailed in the end.

(b) 24 February 1994: incident in Attar (south Sudan)

During a United Nations relief operation by barge on the White Nile, a United Nations OLS team, including two WFP staff members, was held captive by a Sudan People's Army force. A WFP monitor was released unharmed on 27 February 1994. A local WFP staff member was released on 2 March 1994, together with three UNICEF national staff members.

(c) 8 June 1994: barge crew held hostage in southern Sudan

After radio contact was lost with the barge crew on their way to Juba in southern Sudan, a light aircraft was sent for a fly-over. The pilot reported that the food on the barge was looted by a crowd and the crew kept captive. A military platoon was dispatched to the place to restore order and release the captives. The staff were subsequently released unharmed.

Uganda

On 23 June 1994 an armed attack was reported on a truck convoy in northern Uganda (20 km. north of Gulu). Reports indicated that two WFP drivers were killed and one seriously wounded. Five trucks were burned.

Yemen

On 2 February 1994 a WFP staff member was kidnapped by unknown persons together with two UNDP staff members while travelling by car from Sana'a to Taiz. She was released two days later, unharmed.

Notes

a/ Agreement on the Gaza Strip and the Jerico area, done at Cairo, 4 May 1994, International Legal Materials, vol. XXXIII, No. 3, May 1994, pp. 622-638.

b/ Resolution 179 (II).

Annex IV

LIST OF UNITED NATIONS PROGRAMMES, FUNDS, OFFICES AND MISSIONS, SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS THAT WERE REQUESTED TO PROVIDE INFORMATION FOR THE PRESENT REPORT

ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agriculture Organization of the United Nations
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
ITU	International Telecommunication Union
UNCTAD	United Nations Conference on Trade and Development
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNIFIL	United Nations Interim Force in Lebanon
UNITAR	United Nations Institute for Training and Research
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNTSO	United Nations Truce Supervision Organization
UNU	United Nations University
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
	World Bank